

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JULISSA MORALES, AIDEE GERONIMO-ROMERO, and ADY GARCIA, Individually, and on behalf of all others similarly situated as Class Representatives,

Plaintiffs,

v.

THREE DIAMOND DINER CORP. d/b/a Mount Kisco Diner, PHOTIOS GEORGIOU a/k/a Frank Georgiou, CHARALAMBOS GEORGIOU a/k/a Harry Georgiou, and YIOTA GEORGIOU,

Defendants.

ORDER

19 CV 3460 (VB)

On January 7, 2020, the parties in this Fair Labor Standards Act case filed a settlement agreement and joint statement explaining the basis for the agreement (Doc. #52), as required by Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015).

In reviewing the proposed settlement agreement, the Court has considered the following factors:

- (i) the parties' position as to the proper valuation of plaintiffs' claims;
- (ii) the risks and costs of continuing to litigate;
- (iii) plaintiffs are represented by counsel;
- (iv) class plaintiffs no longer work for defendants;
- (v) the parties settled with the assistance of an experienced mediator;
- (vi) the settlement agreement contains a neutral reference provision;
- (vii) the settlement agreement does not contain a confidentiality provision;
- (viii) plaintiffs are receiving a discounted amount of owed wages, estimated based on plaintiffs' recollections;
- (ix) the parties desire to resolve this action early and avoid the costs and uncertainty associated with drawn-out litigation; and
- (x) the release, though broad, contains an exception for plaintiff Julissa Morales's claims against defendants included in the EEOC Charge dated on or about September 4, 2019.

Based on the foregoing, the Court finds the settlement agreement is fair and reasonable, and the product of arm's-length negotiation, not fraud or collusion.

Additionally, the Court finds the attorneys' fees, which are one ninth of the total recovery, to be fair and reasonable under the circumstances.

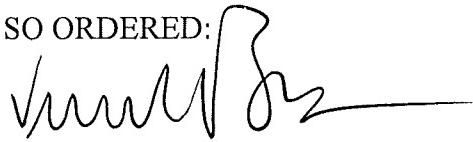
CONCLUSION

Accordingly, the parties' settlement agreement (Doc. #52-1) is APPROVED.

The Clerk is instructed to close this case.

Dated: January 10, 2020
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge